



DEF &amp; REF

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

The application of

Naoki MIDOH et al.

: Mail Stop: ACCOUNTING DIVISION  
REFUND BRANCH

Serial No. 10/070,387

Filed March 6, 2002

: Attorney Docket No. 2002\_0317A

CYCLIC DEPSIPEPTIDE SYNTHETASE  
AND METHOD FOR RECOMBINANT  
PRODUCTION (as amended)

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund of \$120.00 charged to Deposit Account No. 23-0975 on September 7, 2007 for a one month extension of time. The charge is incorrect.

Applicants timely filed a Notice of Appeal on March 6, 2006 with a two month extension. An Appeal Brief was then filed on June 30, 2006 with a two month extension, since the initial due date was May 6, 1006.

Applicants then received a Notice of Non-Compliant Amendment dated July 25, 2006, which established a one month response period. In reply thereto, Applicants timely filed a timely response on August 25, 2006. It appears the Office has overlooked the one month period for response set forth in the Notice of Non-Compliant Amendment of July 25, 2006, and erroneously charged Applicants for a one month extension of time. However, no further extension fees should have been charged to our account for the reasons set forth above.

Kindly credit \$120.00 to the deposit account of undersigned, no. 23-0975. If there are any questions, please contact Donna Reynolds, Accounting Assistant, at (202) 721-8246.

Respectfully submitted,

Naoki MIDOH et al.

By

  
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